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Res Gestae

PUBLISHED WEEKLY BY
THE LAWYERS CLUB OF THE UNIVERSITY OF MICHIGAN LAW SCHOOL
Roger Marce, Editor

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NO. 2

FINAL COOLEY LECTURE GIVEN TODAY:

Professor David F. Cavers brought the 1964 Thomas M. Cooley lectures to a close today with the third of his talks on conflicts of law entitled "Principles of Priority in Resolving True Conflicts." Prof. Cavers' first lecture was entitled "Changing Views of the Court's Task in Choice of Law." It dealt with the wide divergence in views as to what is the proper function of the court in choosing between laws and also what method should be used. He pointed out that the trend today is moving towards adoption of the ideas first put forward by a small group of dissenters from the position taken by the first Restatement of Conflicts. He argued that a court should consider policies underlying the conflicting laws in making a choice. One problem currently faced by courts, however, is that in breaking with some of the older rules, they find themselves without accepted premises or principles to guide them. Cavers closed the lecture by presenting two imaginary cases and the opinions of each of the judges.

His second lecture discussed "Justice in the Individual Case." He put forward possible methodologies to be used in determining the choice of law. He examined the view that the task of the court is to reach the just result for the case at hand, a view which he says is often attributed to him. While recognizing the place for this view in a transitional period, Cavers said he felt it was inadequate. He also considered the idea that the court decide after concluding that one rule is a better domestic rule of law than another. This was also unsatisfactory, he felt. He returned to the idea that the court should analyze underlying policies as the best method.

In today's lecture, Cavers examined some special problems in the identification and resolution of false and avoidable conflicts. He also discussed the matter of how the court should view the decisions of the other concerned state as they bear on the problem of choice. He then considered the problem of the "disinterested forum." He advocated a search for principles of priority which would guide a court in reaching such decisions, and presented several examples of such principles. He pointed out, however, that they were not the products of any logical imperatives and that adoption of any of these principles would depend on the gradual consensus as to their value. Here, he feels that the work of legal scholars is essential. Professor Cavers will conclude his stay here with a critique panel in the Moot Court Room at 8:00 p.m. on Monday.

CZECHOSLOVAKIAN MINISTER SPEAKS AT LAW CLUB:

Mr. Milan Opocensky, Senior Lecturer of Systematic Theology at the University of Prague spoke at the Club yesterday on "The Problems of Man in a Socialist Society." Seemingly unharassed by the afternoon picketing of local zealots elsewhere on campus, Mr. Opocensky discussed what he felt to be the essential role of Christianity in the contemporary Marxist state.

He noted that today in his country there are three basic trends which contrast with Christianity: Secularism, Marxism and Existentialism. While the first two are normally elements of the contemporary Communist state, he said that existentialism was not. However, because Franz Kafka was a native Czeck, his ideas had gotten a boost there, but were still controversial. Part of the Christian church's goal in socialistic countries is to divert part of the singular focus on society as a whole to focus on the individual. Mr. Opocensky feels that this pluralism is essential to the development of socialist systems into their ideal. It is a necessary counterforce to man's increased power over nature during the last twenty years without the ability to control that power.

In a Marxist state, he said, the first role of the church is to promote the concept of man as a free being. This, however, does not mean that there is an attempt to glorify the individual or to eclipse the significance of the state, or undermine it. It should seek to bring ultimate freedom into society. While he says that Marxism is an improved society, Mr. Opocensky says there is still much crime and improper conduct present within the system. He hopes that Christianity can help to eliminate this. He also hopes that it can bring more hope and love into life in his country as well as elsewhere. This he sees as a means of easing the antagonism and tension present within the system.

He sums up the role of the church as one of revitalization of itself. In this manner, he expects that the church will survive the antagonism that Marxism has towards it and also will be able to strengthen the human concern of Marxism. While he admits that there is a general attitude behind the Iron Curtain against religion, he says that the overwhelming majority of the people in Czechoslovakia are still Christian.

RECENT STUDY MADE OF AUTOMOBILE ACCIDENT DAMAGES:

Financial loss from personal injury automobile accidents reported to the police total about \$178 million--about 1% of the state's total income for the year studied. About 101,000 people were involved in accidents, during the survey year. About 85% of those involved suffered some expense as a result. In a study by Dr. Angus Campbell, it was revealed that over half of those involved had personal injury claims and over half had some property damage. Roughly two out of every 100 had losses of over \$10,000.

The data would seem to rebut the idea of the high risk created by the driver under 25. While about 54% of the population is over 25, 64% of those involved in accidents were over 25. While 1.5% of those involved were killed, 43.5% escaped injury altogether. Seven per cent were seriously injured, 19% less seriously injured and 29% escaping with minor injuries.

Of relevance to the law student, 12% used the services of an attorney while approximately 4% actually brought suit. Where suit was brought, it was disclosed that 1/3 of the defendants did not know what the outcome of the case had been. Legal action did not seem to be very popular, however. Some 77% advocated settlement when possible; with only 16% feeling that one should sue whenever possible.

A COMING ELECTION:

Some would say that it's trite to talk of a lawyer's responsibility for community leadership. We have all heard the phrase many times. Yet, this is a real responsibility that not all lawyers will manage to escape, nor want to avoid. The law school is a community of sorts, particularly the Lawyer's Club dormitory facilities.

For many men, the prospect of getting involved in the rather mundane affairs of student community life is an unknown thought, one left behind at college graduation. Too often it is these same individuals who clamor for more administrative consideration on all fronts. Students have and will bear much of the initiating and implementing responsibility for many future improvements. It is important to all of us that we are competently represented by men we know are interested enough to take time for such responsibility.

The student Board positions are not well defined; listed duties are few. Yet, these jobs can be quite rewarding. There is much more to the work of the Board than imposing petty fines for occasional Club rule infractions.

If you are interested in seeking a position on the Board feel free to speak to any of the present members about their experiences. More important, if you do not choose to become directly involved, hopefully you are concerned enough about the future of the Club to encourage others to seek the Board positions. If all of you accept at least this responsibility, the results will be a group of men who you can be sure will competently represent you and the best interests of the Lawyers Club in all its affairs.

The elections will be held prior to Spring Vacation. The procedure for nomination and election will be explained in a subsequent issue of Res Gestae.

Thomas Palmer

EDITORS' WASTEBASKET:

A recent endowment will nearly double the prizes awarded in the annual Campbell Competition. The Detroit firm of Dickinson, Wright, McKean and Cudlip made the original endowment in honor of Campbell, a former member. The latest endowment is in honor of two more deceased partners of the firm: Edward P. Wright and Edward C. P. Davis.

Wednesday saw the beginning of the "Juvenile Court Hearing Officers Training Program," Third Institute. The program is presented by the Institute of Continuing Legal Education in cooperation with the Dep't of Health, Education and Welfare and the Office of the Court Administrator, Supreme Court of Michigan. The program will continue through tomorrow with limited participation on the part of Dean Smith, Prof. Reed and Dr. Watson, among others.

I.C.L.E. is also offering a special international law seminar in Detroit tomorrow. The topic is, "Expropriation and Confiscation: Law, Politics and Philosophy."

Former Prof. Francis Allen is on campus. Why???

Preparing for the new semester, Cook's Inn Toastmasters elected Elmer White as presiding officer. Sabin Phelps took over as Vice-President, with John Kern as Secretary and Kip Lombard as Treasurer. This coming Tuesday evening, the group will hold an installation party in Dominic's New Cellar Room.

LIBEL AND SLANDER:

It is very difficult to decide just where to aim the initial crusading blast of the semester. The library is back to service on a part-time basis; the cafeteria is operating as per usual; in carefully cleaning my room over vacation, the maintenance staff cleaned me out of 75¢ worth of empty bottles, although large quantities of dirt were overlooked; and certain professors took longer to get out their grades than it took to get service at the student book store. Thus I think perhaps I shall wait for something to come along which cries out for improvement, justifying special treatment.

H. V. Baxendale

MISCELLANEOUS:

There is a Betsy Barbour-Lawyers Club mixer tonight at Betsy Barbour, at 8:00. This is exclusively for the Lawyers Club and serves as a testimonial to the success of a similar mixer last semester Delta Theta Phi Law Fraternity cordially invites all unaffiliated law students to a Rush Smoker at 1212 Hill, S.W. corner of Hill and Forest, on Jan. 28, 8:30-10:00. Free beer and chips. . . . Major Goodweather, USAF (JAGC) will interview interested students on Tuesday, January 28, at the Law School. Appointments may be made in the Placement Office.

AT THE FLICKS:

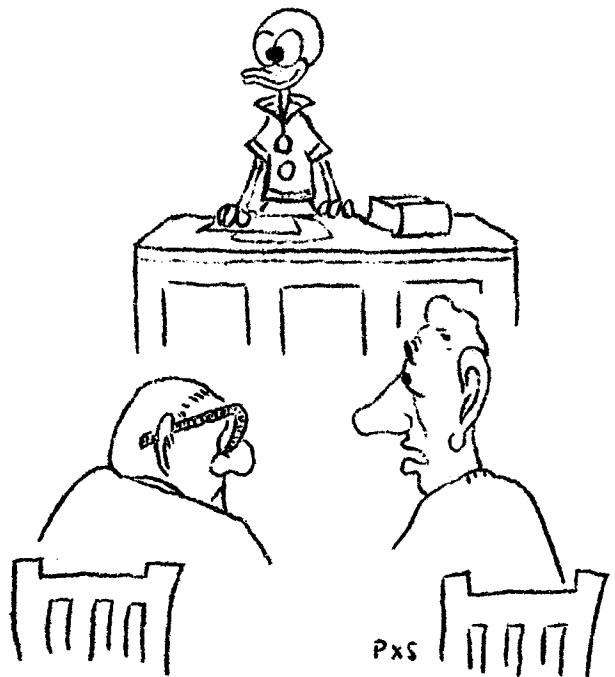
Campus: "All the Way Home"

Michigan: "Charade"

State: "Comedy of Terrors"

Cinema Guild: Fri: "The Adventures
of Robinson Crusoe"

Sat: "Les Liaisons
Dangereuses"



"FRANKLY, I SOMETIMES HAVE MY DOUBTS
ABOUT THE QUALITY OF THESE VISITING
PROFESSORS."

QUADSVILLE QUOTES:

You cannot live without lawyers, and certainly you
cannot die without them.

-J. W. Choate

There are two periods when Congress does no business:
one is before the holidays, the other after.

-G. D. Prentice